

CHAPTER 506

H.B. No. 312

AN ACT

relating to the defense by the attorney general of certain claims against district attorneys.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 1, Chapter 275, Acts of the 64th Legislature, Regular Session, 1975 (Article 4412b, Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

*(c) The attorney general shall defend a state district attorney in an action in a federal court if:*

- (1) the district attorney is a defendant because of his office;*
- (2) the action is filed by a person presently or formerly confined in a Texas Department of Corrections facility;*
- (3) the cause of action accrued while the person was confined in a Texas Department of Corrections facility;*

*(4) the district attorney requests the attorney general's assistance in the defense; and*

*(5) there is no action pending against the district attorney in which the attorney general is required to represent the state.*

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 5, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 312 on May 25, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 23, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 17, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.